

Article 3: Planned Districts

Division 20: The Marina Planned District

(Editor's note: Title added 10-13-1988 for clarity.)

§103.2001 Purpose and Intent

The purpose of the Marina Planned District is to establish development controls that will:

- (a) Create discreet neighborhoods.
 - (b) Encourage new housing.
 - (c) Conserve heritage buildings.
 - (d) Permit mixed-use developments.
 - (e) Provide opportunities for both large- and small-scale development.
 - (f) Guide the location of high-rise development intensity and land use characteristics.
 - (g) Establish strong linkages to the waterfront.
 - (h) Prescribe building mass standards.
 - (i) Establish a strong sense of pedestrian orientation at the street level.
- (Added 8-1-1988 by O-17123 N.S.)*

§103.2002 Definitions

For purposes of Chapter 10, Article 3, Division 20, the following terms are defined as:

"Atrium" means an opening through two (2) or more floor levels which are enclosed on top.

"Atrium" does not include enclosed stairways, elevators, hoistways, escalators, plumbing, electrical, air conditioning or other equipment.

"Building Materials" means all materials visible from the exterior of a development, including materials used for walls, roofs, structure windows, doors, architectural or decorative features applied to the facade and trim.

"Business and Home Services" means establishments providing appliance repair, office machine repair, building maintenance (janitorial), upholstering, graphic design, drafting, blueprinting, typesetting, printing, copying or photographic services.

"Common Open Space" means those usable spaces commonly accessible to all residents and users of the building.

"Conditional Planned District Permit" is a permit which conditions development and is in effect after the approval of the Basic Concept/Schematic Drawings. It signals preliminary approval and allows the completion of the design review process.

"Cultural/Institutional" means a term applied to any use which provides a public or quasi-public function or which is nonprofit.

"Eating and Drinking Establishments" means businesses serving prepared food or beverages for consumption on or off the premises.

"Floor Area" means the area included within the surrounding exterior walls of a building or portion thereof, exclusive of vent shafts and courts. Floor area does not include areas below grade which are considered basements under the Uniform Building Code as adopted in Land Development Code Chapter 14, Article 5.

"Floor Area Ratio (FAR)" means the ratio of total enclosed building area including parking at and above grade to the area of the site. The FAR is an indication of the intensity of development.

"Food Sales" means retail sales of prepared food or food for home preparation including bakeries, candy stores, ice cream stores, delicatessens, grocery stores and supermarkets.

"Health Facilities" means club rooms, gymnasias and fitness centers contained within a structure and ancillary to residential or commercial use.

"Height-to-Width Ratio" means the ratio described for a high-rise building in which the vertical dimension of all facades is greater than 1.6 times the widest horizontal dimension.

"High rise" means a building exceeding ninety (90) feet in height.

"High-Rise Building Elements" means high-rise buildings that have the following elements: base, tower and roof. The tower may be subdivided into transition floors, a lower tower and an upper tower.

"Land Use Mix" means a percentage distribution of a building's gross floor area devoted to residential or nonresidential uses.

"Live/Work Quarters" means an area comprised of one (1) or more rooms or floors in a building which includes: (1) cooking space and sanitary facilities, and (2) working space reserved for persons residing therein.

"Low-Rise" means a building with maximum height of fifty (50) feet.

"Mass and Scale" means the visual perception of the organization of the gross floor area of the structure compared to adjoining development.

"Mid-Rise" means a building ranging in height from fifty (50) feet to ninety (90) feet.

"Mixed Use Development" means developments in which two (2) or more major land uses are permitted.

"Multi-Family Residential" means a building used or designed to be used for housing three (3) or more families.

"Personal and Convenience Services" include services of a frequently recurring nature such as barber and beauty shops, drug stores, dry cleaning, self-service laundries, shoe repair and tailors.

"Personal Improvement Services" means instructional services or facilities, including photography, fine arts, crafts, dance or music studios, driving schools, business and trade schools, reducing salons and fitness studios.

"Planned District Exception Permit" means a permit that allows construction of projects which vary from the requirements of the Marina Planned District regulations but which comply with the Marina Urban Design Plan and Development Guidelines and facilitate the establishment of a residential community.

"Planned District Permit" means all permits which are required pursuant to the Marina Planned District regulations.

"Private Open Space" means those usable spaces accessible only by the residents of a single dwelling unit.

"Public Open Space" means those usable spaces accessible by the general public.

"Recreational Facilities" means outdoor facilities ancillary to a residential complex, including swimming pools, saunas and courts.

"Reflective Glass" means a glazing material which obscures vision and has limited transparent qualities.

"Religious Assembly" means facilities for religious workshop and incidental religious education.

"Residential Density" means a measure of housing, expressed in dwelling units per acre (dupa).

"Schools -- Public & Private" means buildings housing students for the primary purpose of education.

"Setback" means a horizontal separation between a vertical element and a property line.

"Single Room Occupancy (SRO)" means any hotel room within a hotel intended or designed to be used, or which is used, rented or hired out to be occupied for sleeping purposes by guests and which is also the primary residence of such guests. The term does not include any hotel room which is used by transient guests who do not occupy such hotel room as their primary residence.

"Skyviews" means a horizontal and near-horizontal views of the sky.

"Small Office -- Business and Professional Services" includes offices such as architectural design, medical-dental, travel or administrative services, real estate, insurance and legal offices.

"Small Site Development" means a designation applied to a block in which multiple developments occur.

"Stepback" means the horizontal separation between two (2) major vertical elements. Stepbacks occur at upper levels.

"Street Level" means any access opposite the public right-of-way which ranges from four (4) feet below grade to five (5) feet above grade.

"Streetwall" means the facade of buildings, or frontage, along a property line shared with a public right-of-way.

"Tower" means any structure that exceeds a height of ninety (90) feet.

"Utility Substation" means those structures and facilities which provide franchised or city utility services to land use and transportation systems located within the Marina Planned District.

(Amended 4-7-1998 by O-18485 N.S.; amended 7-19-1999 by O-18656 N.S.; effective 1-1-2000.)

§103.2003 Boundaries

The Marina Planned District is within the boundaries of the Centre City Community Plan and is comprised of a portion of the area within the boundaries of the Marina Redevelopment Plan in the City of San Diego, California, designated on that certain Map Drawing No. C-741, filed in the office of the City Clerk under Document No. OO-17123.

(Renumbered from Sec. 103.2002 on 9-14-1992 by O-17830 N.S.)

§103.2004 Administrative Regulations

(a) Administration

The Centre City Development Corporation ("CCDC") shall administer the Marina Planned District as the designee of the City Council in accordance with the provisions of this division.

(b) Activities Regulated

- (1)** No building, structure or improvement or portion thereof shall be erected, constructed, converted, established, altered or enlarged, nor shall the use of any building or structure be changed, nor shall any such building, structure or improvement be used or occupied unless it complies with the requirements of this division.

- (2) The City Manager shall not issue any permit for such activities in any portion of the Marina Planned District until CCDC has issued a Marina Planned District Permit or a Marina Planned District Exception Permit signifying compliance with the provisions of this division.
- (c) Marina Planned District Permit Process
 - (1) Permit Required.

A Marina Planned District Permit shall be required prior to issuance of any City building permit within the Marina Planned District.
 - (2) Application for Marina Planned District Permit.
 - (A) A Marina Planned District Permit shall be issued after the applicant has completed a three (3) step design review process consisting of the submission of:
 - (i) Basic Concept/Schematic Drawings.
 - (ii) Fifty Percent (50%) Construction Drawings.
 - (iii) One Hundred Percent (100%) Construction Drawings.

CCDC may issue a Marina Planned District Permit after review of the drawings based on the size of the project, nature of improvement or the participation of the Redevelopment Agency. CCDC may, at its discretion, consolidate Steps 2 or 3 to facilitate review of the project.
 - (B) CCDC shall review all Basic Concept/Schematic Drawings, Fifty Percent (50%) Construction Drawings and One Hundred Percent (100%) Construction Drawings as identified in the Marina Planned District regulations. The criteria for submitting each of the three (3) types of drawings and a description of the design review process are as follows:
 - (i) The Basic Concept/Schematic Drawings shall illustrate the basic organization of the site. CCDC shall review Basic Concept/Schematic Drawings for two-dimensional considerations such as the relationship

of land use within the project, relationship of the project to proposed and existing land uses adjoining the site, siting considerations such as vehicular and pedestrian circulation, provision for public open space and three-dimensional images of the project. The applicant shall provide a narrative explanation of the design concept and shall submit the following items as part of the Basic Concept/Schematic Drawings:

- ! Description of the development concept including the density, dwelling unit composition, gross area devoted to specific land use, number of floors, type of construction and FAR.
- ! Site plan at a scale no smaller than one thirty-second inch equals one foot ($1/32" = 1'$). The site plan shall show the relationship of the proposed project to adjoining development within approximately three hundred (300) feet and shall also illustrate the dimensions of the site and the proposed project.
- ! Ground floor plan that illustrates subsurface and ground floor plans at a scale not smaller than one sixteenth inch equals one foot ($1/16" = 1'$).
- ! Two (2) project sections at a scale not smaller than one sixteenth inch equals one foot ($1/16" = 1'$). foot.
- ! Exterior concept elevations of each street frontage.
- ! One (1) exterior perspective drawn from a street level view.
- ! Tabulation of the net leasable and gross building area including FAR, building coverage, Common Open Space areas, Private Open Space, total area devoted to parking and number of spaces.

- ! Preliminary identification of materials, finishings, colors and landscaping.
 - ! Preliminary off-site improvements, landscape and grading plans that illustrate how the design elements of on-site public spaces are coordinated with the off-sites.
 - ! Preliminary evaluation of environmental factors such as sun and shade on open space and adjoining properties.
 - ! Statement of conformity to or variation from the Marina Planned District regulations.
 - ! Massing model that illustrates the scale and architectural design concept of the project.
- (ii) Fifty Percent (50%) Construction Drawings shall resolve concerns identified during review of the Basic Concept/Schematic Drawings. The applicant may be required to submit additional material for this review, shall including off-site improvement drawings and landscape plans.
 - (iii) One Hundred Percent (100%) Construction Drawings shall represent the final plans, specifications and other documentation for the proposed project. These drawings shall illustrate how the conditions approving the previous submissions have been accommodated. These drawings shall be in sufficient detail for the applicant to obtain a building permit.
- (3) Review Procedures.

Application for a Marina Planned District Permit shall begin with the applicant's submission of Basic Concept/Schematic Drawings to CCDC. Basic Concept/Schematic Drawings shall be reviewed according to the following process:

- (A) The President shall review all applications.
 - (B) The Redevelopment Agency of The City of San Diego (the "Agency") shall review all projects that request or require financial assistance, are governed by either a Disposition and Development Agreement or an Owner Participation Agreement, or request an exception to the Marina Planned District Ordinance.
 - (C) Interested citizens and area residents may review and comment on individual projects prior to or at the time of the above reviews.
- (4) Determination -- Conditions of Approval.

The approval, modification or disapproval of Basic Concept/Schematic Drawings shall be as follows:

- (A) CCDC may approve, modify or disapprove any application for a Marina Planned District Permit, described in Section 103.2004(c)(3)(A), which has been initiated by the submission of Basic Concept/Schematic Drawings. In approving a Marina Planned District Permit, CCDC may impose reasonable conditions to ensure compliance with these regulations.
 - (B) CCDC shall advise the Agency and the Agency may approve, modify or disapprove any application for a Marina Planned District Permit, described in Section 103.2004(c)(3)(B), which has been initiated by the submission of Basic Concept/Schematic Drawings. In recommending approval of a Marina Planned District Permit, CCDC may propose to the Agency reasonable conditions to ensure compliance with these regulations.
- (5) Conditional Planned District Permit.

The approval of Basic Concept/Schematic Drawings, as specified in Section 103.2004(c)(4), constitutes a Conditional Planned District Permit. Following approval, the applicant shall submit to CCDC the Fifty Percent (50%) Construction Drawings and One Hundred Percent (100%) Construction Drawings to CCDC for approval.

(6) Issuance of Planned District Permit.

If CCDC finds that the One Hundred (100%) Construction Drawings conform to the Conditional Planned District Permit, then the applicant may apply for any other necessary permits from the City.

(7) Permit Time Limits and Time Extensions.

Any permit approved under this division shall be effective for a period not to exceed two (2) years. CCDC may grant a one time extension of one (1) year if it finds from the evidence submitted that there have been no material changes of circumstances since the permit was originally granted.

(8) Revocation.

Following a hearing, CCDC may, at any time, revoke a Marina Planned District Permit issued under Section 103.2004. CCDC shall give the holder of the Marina Planned District Permit thirty (30) calendar days' notice of the proposed revocation and hearing. After that hearing, CCDC may revoke a permit if it finds any of the following is true:

- (A) That the building or structure for which the permit was issued is being used for purposes other than or in addition to, the purposes and manner described in the permit application; or
- (B) That the use or operation of the building or structure for which the permit was issued is contrary to this division; or
- (C) That the building or structure for which the Marina Planned District Permit was issued was not constructed in compliance with the terms and conditions of the Marina Planned District Permit.

(Amended 4-7-1998 by O-18485 N.S.; effective 1-1-2000.)

§103.2005 Conditional Use Permits

- (a) Notwithstanding the provisions of Section 103.0105, the President of CCDC shall be the decision maker for the purpose of granting conditional use permits within the boundaries delineated in Section 103.2003.

- (b) The President shall grant conditional use permits according to the provisions of Section 103.0105, Land Development Code Chapter 12, Article 6, Division 3 (Conditional Use Permit Procedures), and Chapter 14, Article 1 (Separately Regulated Use Regulations). Except as provided in the next paragraph, the appeals procedure shall remain the same for the conditional use permits listed in Section 103.0105.

For those conditional use permits listed in Section 103.0105 to be decided in accordance with Process Five, the President shall serve as the decision maker, but appeals shall be heard by the City Council, as set out in Land Development Code Section 112.0508.

(Amended 4-7-1998 by O-18485 N.S.; effective 1-1-2000.)

§103.2006 Applicable Planning, Zoning and Subdivision Regulations

Where not otherwise specified in this division, the following chapters of the Land Development Code apply:

Chapter 11 (Land Development Procedures);
Chapter 12 (Land Development Reviews);
Chapter 13 (Zones);
Chapter 14, Article 1 (Separately Regulated Use Regulations);
Chapter 14, Article 2, Division 1 (Grading Regulations);
Chapter 14, Article 2, Division 2 (Drainage Regulations);
Chapter 14, Article 2, Division 3 (Fence Regulations);
Chapter 14, Article 2, Division 6 (Public Facility Regulations);
Chapter 14, Article 2, Division 8 (Refuse and Recyclable Materials Storage Regulations);
Chapter 14, Article 2, Division 12 (Sign Regulations);
Chapter 14, Article 3 (Supplemental Development Regulations);
Chapter 14, Article 4 (Subdivision Regulations);
Chapter 14, Article 5 (Building Regulations);
Chapter 14, Article 6 (Electrical Regulations); and
Chapter 14, Article 7 (Plumbing and Mechanical Regulations)

Where there is a conflict between the Land Development Code and this division, this division applies. All applicable building code requirements must be met for construction, alteration, addition or repair of a building.

(Amended 4-7-1998 by O-18485 N.S.; effective 1-1-2000.)

§103.2011 Use Classifications for the Marina Planned District

Use classifications for the Marina Planned District are illustrated geographically in Table 1 of this division.

- (a) In the area designated eighty percent (80%) residential/ twenty percent (20%) nonresidential as shown in Figure 1 of this division at least eighty percent (80%) of the gross floor area shall be residential use and up to twenty percent (20%) of the gross floor area may be nonresidential use. The total of all corridor, storage, utility, parking and other support space shall be allocated to residential or nonresidential on an eighty percent (80%) residential/twenty percent (20%) nonresidential basis.

On the block bounded by G Street, Second Avenue, Market Street and First Avenue, an alternative to eighty percent (80%) residential/twenty percent (20%) nonresidential as shown in Figure 1 of this division may be the specific development which is the subject of Marina Conditional Planned District Permit No. 94-0452.

On the block bounded by First Avenue, Second Avenue, Island Avenue and J Street, an alternative to eighty percent (80%) residential/twenty percent (20%) nonresidential as shown in Figure 1 of Chapter X, Article 3, Division 20 of the San Diego Municipal Code may be the specific development which is the subject of Marina Development Permit No. 99-0485.

- (b) On the property legally described as Lot "L" of Block 30, New San Diego Addition, according to the map thereof No. 456, made by Gray and Johns, on file in the office of the County Recorder of San Diego County, at least sixty percent (60%) of the gross floor area shall be residential use and up to forty percent (40%) of the gross floor area may be nonresidential use.

(1) Residential Uses

The following permanent residential uses are permitted in the Marina Planned District:

- (A) Multi-family.
- (B) The following uses may be considered by conditional use permit if the use is the primary residence of the occupants and the major use of the structure:

- (i) Single Room Occupancy.
 - (ii) Live/Work Quarters. Not over thirty- three percent (33%) of each live/work quarter shall be used for residential purposes such as a sleeping area, kitchen, bathroom and closet area.
- (2) Nonresidential Uses
 - (A) Uses permitted by Right. The following nonresidential uses are permitted in the Marina Planned District for that portion of the area designated twenty percent (20%) nonresidential:
 - (i) Eating and Drinking Establishments.
 - (ii) Food Sales.
 - (iii) Small Office-Business and Professional Services.
 - (iv) Personal and Convenience Services.
 - (v) Cultural/Institutional.
 - (vi) Recreation-health Facilities.
 - (vii) Business and Home Services.
 - (viii) Personal Improvement Services.
 - (ix) Retail Sales.
 - ! Arts and Crafts.
This classification includes establishments selling art objects, art supplies, antiques, jewelry, handmade glass, custom photographs, pottery, porcelain, leather goods and similar products. This classification also includes art galleries, antique shops, ceramic studios, craft shops, jewelry design and creation studios and photo studios.

! Home Furnishings and Hardware.

This classification includes establishments selling awnings and canvas, home appliances, carpets and floor coverings, hardware, furniture, kitchen utensils, paint and wallpaper.

! Other Retail Sales.

This classification includes small department stores, drugstores, dispensing opticians, clothing stores, fabric stores, and businesses retailing the following goods: toys, hobby materials, books, cameras, photographic supplies, electronic equipment, records, sporting goods, shoes, office supplies, stationery, medical supplies, bicycles and new automotive parts and accessories (excluding service and installation).

! Display windows provided, however, that they have a minimum depth of approximately three (3) feet and displays are changed every sixty (60) days.

- (B) Uses permitted by issuance of a Conditional Use Permit. The following uses may be considered by conditional use permit for that portion of the area designated twenty percent (20%) nonresidential or within any portion of an existing structure if determined to be compatible with residential development:

- (i) Religious assembly.
- (ii) Schools, public/private child care facilities.
- (iii) Broadcasting, recording and other communication services accomplished through electronic or telephonic mechanisms.

This classification includes radio, television or recording studios, telephone switching centers and telegraph offices, but excludes receiving towers and satellite dishes.

(iv) Utility Substations.

(v) Residential Care Facilities.

On the property legally described as Lots "C" through "L" of Block 27, New San Diego Addition, according to the Map thereof No. 456, made by Gray and Johns, on file in the office of the County Recorder of San Diego County.

(C) Uses permitted within existing structures. Structures existing as of September 22, 1988 which are rehabilitated, recreated or adaptively reused (i.e., the structure is being legally used for a use other than what was originally contemplated when it was built) may be developed entirely with nonresidential uses. A conditional use permit is required if the non residential uses are those contained in Section 103.2011(b)(2) or if the nonresidential uses exceed twenty percent (20%) of the gross floor area of the existing structure. A conditional use permit may be issued only if it is determined that the use is compatible with residential development.

(3) Mixed Hotel/residential Development

In the area designated Subarea 1 on Figure 2 of this division, mixed uses including hotel and residential are permitted.

- (A) Subarea 1 permits hotel use if accompanying residential use is provided.
- (B) Development of an entire two (2) block site requires one hundred fifty (150) residential dwelling units. Development of individual blocks requires a minimum residential density of eighty-five (85) dwelling units per acre ("dupa").
- (C) Specialty commercial and entertainment uses may be permitted on a conditional use basis.
- (D) Residential development may be provided as an alternate to hotel use. Such development shall allocate at least eighty percent (80%) of the gross floor area to residential use and may allocate up to twenty percent (20%) of the gross floor area to

nonresidential land use from the listed uses provided for in Section 103.2011. Exceptions to the percentage ratio of eighty percent (80%) residential/twenty percent (20%) nonresidential are contained in Section 103.2012(b)(5).

(4) Hotel Subarea 2

In the area designated Subarea 2 on Figure 2, the following hotel uses are permitted:

- (A) Subarea 2 uses and ancillary hotel uses such as meeting rooms, food establishments and gift shops.
- (B) Residential development may be provided as an alternate use. Any such development shall be allocated such that at least eighty percent (80%) of the gross floor area is devoted to residential use and up to twenty percent (20%) of the gross floor area is devoted to nonresidential land use from the listed uses provided for Section 103.2011. Exceptions to the percentage ratio of eighty percent (80%) residential/twenty percent (20%) nonresidential are permitted only as set forth in Section 103.2012(b)(5).
- (C) Specialty commercial uses may be permitted on a conditional use permit basis.

(Amended 9-12-2000 by O-18844 N.S.)

§103.2012 Property Development Regulations

(a) Planning Standards and Urban Design Guidelines

Redevelopment Agency has by resolution adopted architectural and design standards to be used in the evaluation of the appropriateness of any development for which a permit is applied under this division. These architectural and design standards shall be entitled, "Marina Urban Design Plan and Development Guidelines," a copy of which is on file in the office of the City Clerk as Document No. OO-17123.

(b) Regulations

The following regulations shall apply to the specific areas as indicated:

(1) Mixed Residential/Nonresidential Land Use Areas.

The major land use in the Marina Planned District shall be residential as illustrated on Figure 1. In the area designated eighty percent (80%) residential/twenty percent (20%) nonresidential (except in structures fifty (50) feet or less in height), at least eighty percent (80%) of the gross floor area shall be residential use and up to twenty percent (20%) of the gross floor area may be nonresidential. Where structures are fifty (50) feet or less in height or meet the height requirements of the California Building Code, as adopted by Land Development Code Chapter 14, Article 5, for Type V construction, gross floor area in nonresidential use may exceed twenty percent (20%) if the entire nonresidential use is accessible to and located at the street level of the project. The permitted uses are described in Section 103.2011. Exceptions to the percentage ratio of eighty percent to twenty percent (80%-20%) for High-Rise structures are contained in Section 103.2012(b)(4).

(2) Permitted Heights.

- (A) Heights for buildings in the Marina Planned District range from fifty (50) feet to three hundred (300) feet as illustrated in Figure 3, unless the building meets the criteria for exceptions to the height limits as set out in Section 103.2012(b)(2)(B).

The intent of height limits as established in Section 103.2012 is to guide the location of vertical development within the Marina Redevelopment Project area to accomplish the following objectives:

- (i) Enhance view corridors.
- (ii) Provide variety in the provision of dwelling unit types.
- (iii) Create distinct residential neighborhoods.
- (iv) Conserve the character of existing residential development.
- (v) Minimize the impact of shadow on existing and future development.

(B) Exceptions to Height Limits.

Exceptions to height limits may be permitted as follows:

- (i) Fifty (50) foot height limits may be increased to a maximum of ninety (90) feet.
- (ii) Ninety (90) foot height limits may be increased to a maximum of one hundred twenty (120) feet.
- (iii) Heights designated one hundred twenty (120) feet or greater as illustrated in Figure 3 may be increased without a maximum height.

(C) The following criteria shall be used to evaluate requests for height exceptions.

- (i) Applicant shall provide one (1) or more parks, setback areas or widened and enhanced public rights-of-way. Such areas shall be landscaped by the applicant. Their location shall complement the adjoining public right-of-way and while either public or private in nature, shall be designed to be visually or physically enjoyed by residents, residents of adjoining structures and the general public; and
- (ii) Applicant's project shall increase nonresidential or residential activity at the street level of the development from fifty percent (50%) of the total frontage to all the remaining street frontage with the exception of vehicular access and truck service delivery to serve the site.

Such activity shall be directly accessible to the public right-of-way. Entrances to activity shall be provided at intervals which are approximately fifty (50) feet or less in distance apart; and

- (iii) Applicant's project shall accommodate of all or a substantial amount of all parking needed to serve the proposed development below grade.

- (iv) Applicant shall mitigate the mass and scale of the project by reducing the size of the floor plate and creating a more slender tower which enhances view corridors or reduces the effect of shadow on adjoining developments.
- (D) The procedure for considering exceptions to height are subject to Section 103.2013.
- (E) Notwithstanding the provisions of Municipal Code section 103.2012(b)(2)(A) and (B), on the property described as Lots "C," "D," "E," "F," "G," "H," "I," "J," "K," " and "L" of Block 27 of New San Diego, Map No. 000456, a maximum height of one hundred twenty feet (120') shall be permitted for the fourth phase of the project permitted by Marina Conditional Planned District Permit No. 94-0457 (the "Project"), provided the following phases of development are completed within the time periods provided in Marina Conditional Planned District Permit No. 94-0457. If the phases of development are not completed in the time periods provided, a maximum height of one hundred twenty feet (120') shall not be allowed and height limits shall be as identified in Figure 3 of Municipal Code Chapter 10, Article 3, Division 20. The phases of development and the time periods provided are:
 - (i) Building permits shall be obtained for Phases One and Two of the Project within the permit time limits provided in Municipal Code section 103.2004(c)(7). Certificates of Occupancy shall be obtained by the holder of Marina Conditional Planned District Permit No. 94-0457 before building permits are issued for Phases Three and Four.
 - (ii) Upon the issuance of building permits for Phases One and Two, Marina Conditional Planned District Permit No. 94-0457 shall be extended four (4) years from its scheduled date of expiration to allow for additional time for the development of Phases Three and Four.

- (iii) Upon issuance of a building permit for Phase Three, Marina Conditional Planned District Permit No. 94-0457 shall be extended an additional four (4) years from the extension granted in Municipal Code section 103.2012(b)(2)(C)(ii), for a total of eight (8) years from the original expiration date.
 - (iv) A Certificate of Occupancy for Phase Three must be obtained prior to the issuance of a building permit for Phase Four.
 - (v) The one (1) year extension provided for in Municipal Code section 103.2004(c)(7) may be utilized only once for Marina Conditional Planned District Permit No. 94-0457, but it may be used at any time during and within the time limits stated Section 103.2012(b)(2)(C).
- (3) Floor Area Ratios ("FAR").

A FAR of 3.5 to 4.0, 4.0 to 4.5, 5.0 to 5.5, 6.0 to 6.5 and 8.0 to 8.5 shall be the maximum development intensity in the Marina Planned District for those areas identified in Figure 4 with the following exceptions:

 - (A) Existing structures which are historically or architecturally significant, or which are restored or adaptively reused, may transfer unused FAR to contiguous development within the block if such structures are part of an integrated or architectural development for the total site.
 - (B) Atria or common interior or enclosed space shall be included in the calculation of FAR. For each floor that an atrium penetrates through a structure, the square footage per floor shall be included in the calculations of the FAR.
- (4) Conditions for Exceptions to FAR.
 - (A) An increase in FAR in the amount of 0.5 of the base FAR, as illustrated in Figure 4, may be permitted as follows, subject to conditions set forth in Section 103.2012(b) (4)(C):

TABLE I OF SECTION 103.2012

Base FAR	Permitted Increase in FAR
3.5	4.0
4.0	4.5
5.0	5.5
6.0	6.5
8.0	8.5

- (B) Subject to conditions set forth in Section 103.2012(B)(4)(a), an increase in the ratio of nonresidential use in the amount of five percent (5%) may be permitted as follows:

TABLE II OF SECTION 103.2012

Base Land Use Mix	Permitted Land Use Mix
80% Residential/20% Nonresidential	75% Residential/25% Nonresidential

- (C) Exceptions to either FAR or mixed land use standards may be recommended by CCDC's Board and approved by the Redevelopment Agency where the project complies with the development standards contained in this Division and the Marina Urban Design Plan and Development Guidelines provided that three (3) of the following seven (7) conditions set forth in Section 103.2012(b)(4)(C)(i) through (vii) are met.

In the event that exceptions are requested for both land use mix and FAR, four (4) of the seven (7) conditions set forth in Section 103.2012(b)(4)(C)(i) through (vii) must be met.

- (i) Development is infilled on sites or blocks which contain historic or architecturally significant structures or where historic or architecturally significant buildings are rehabilitated and integrated into the proposed new development.
- (ii) The average size of twenty-five percent (25%) of all units exceed one thousand (1,000) square feet.
- (iii) That a minimum of ten percent (10%) of all units contain three (3) bedrooms.
- (iv) The required ground floor activity increases from fifty percent (50%) to sixty percent (60%) of the street frontage. Such increase in activity shall be consumer-oriented commercial or residential land use.
- (v) At least one full level of underground parking is provided.
- (vi) The site is a receiver of a major public amenity including park, plaza, public art and sculpture or other equivalent amenity designed primarily for public use.
- (vii) No Redevelopment Agency financial, assistance excluding off-site public improvements, is required for the project.

(c) General Provisions

Section 103.2012(c) sets forth the general provisions of the Marina Planned District. Exceptions to the criteria contained in Section 103.2012(c) may be granted subject to the procedures established in Section 103.2013. The following regulations apply to all areas:

- (1) Minimum lot area shall be five thousand (5,000) square feet.
- (2) There shall be no minimum side yard, interior and rear yard setbacks.

(3) Development pattern.

A variety of development sites (single full block development and blocks with multiple developments) shall be encouraged throughout the project area. Guidelines for smaller site development are contained in the Marina Urban Design Plan and Development Guidelines.

(4) Permitted Projections.

- (A) Subject to encroachment permits as may be required by The City of San Diego, projections such as balconies and window bays are permitted to encroach up to four (4) feet into the public right-of-way starting at no less than twelve (12) feet above street level or above the height of the first floor.
- (B) Projections from tower elements which are set back from the street may be granted by Conditional Use Permit.
- (C) Subsurface structures within the public right-of-way up to three (3) feet from the curb.

(5) Signs.

Proposed signage will be evaluated by CCDC for conformance to the signing objectives of the Marina Urban Design Plan and Development Guidelines and by The City of San Diego for compliance with Land Development Code Chapter 14, Article 2, Division 12 (Sign Regulations).

(6) Streetwall.

- (A) All buildings shall have a minimum Streetwall of two (2) stories or twenty-five (25) feet.
- (B) All buildings shall have a maximum Streetwall of fifty (50) feet or the height of an adjoining existing structure if the existing structure is a part of an integrated development.
- (C) At least fifty percent (50%) of each side of the total ground floor frontage of all new or reconstructed first story building walls that face a public street shall be devoted to pedestrian entrances, residential use, or windows affording views into

retail consumer services, offices or lobby space or display windows. All blank facades shall be enhanced by architectural detailing, artwork, landscaping or similar features having visual interest.

- (D) At least seventy-five percent (75%) of the street facade of the building base shall be constructed to the street property line.
- (E) All residential/nonresidential activities located at the street level shall provide one direct at-grade entrance from the public right-of-way for each street frontage. Where such frontages exceed seventy-five (75) feet, one entrance shall be provided for each seventy-five (75) feet of frontage or portion thereof. Such entrances shall conform to the State of California Administrative Code, State Building Code, Part 2, Title 24 (Handicapped Requirements).

(7) Setbacks.

- (A) The tower portion of any structure shall be setback at the podium level at least twenty (20) feet from the base of the street wall on all street frontages except one frontage of a structure, as may be required for fire and safety access by all applicable laws, rules and regulations.
- (B) Two (2) or more towers on the same parcel shall be separated by at least forty (40) feet.
- (C) The tower element of Mid-Rise and High-Rise structures that share a common property line with another parcel shall be set back at least twenty (20) feet from that common property line.
- (D) All properties fronting on the proposed linear park shall observe a minimum landscaped setback of fifty (50) feet.

(8) Height.

- (A) The height of any structure over one hundred sixty (160) feet shall observe a minimum height-to-width ratio of 1-width to 1.6-height.

- (B) The average floor plate for the top one- third (1/3) of any tower structure over one hundred sixty (160) feet shall diminish in size to create a slimmer silhouette; such reduction shall be in scale with the lower two-thirds (2/3) of the structure.
- (9) Open Space.
 - (A) All development shall maintain a minimum of thirty percent (30%) of the site open to the sky, occurring at grade or podium levels. This open space area, including courtyards and terraces, shall be considered common open space.
 - (B) First floor residential units which front on common interior courtyards may use up to twenty-five percent (25%) of the interior area for private enclosed open space related to individual units.
 - (C) Balconies shall be provided for at least twenty-five percent (25%) of all hotel rooms.
 - (D) Seventy-five percent (75%) of all multi-family residential units above the first floor shall have a Private Open Space of thirty-six (36) square feet or five percent (5%) of the unit's gross floor area whichever is larger. The Private Open Space shall have a minimum dimension of three (3) feet.
 - (E) Private Open Space or common interior courtyards open to the sky shall not be calculated in the FAR of any structure.
 - (F) No structure shall be sited in such a way so as to terminate a skyview down an existing street or potential view of San Diego Bay from a street in a southerly or westerly direction.
- (10) Screening and Landscape.
 - (A) All refuse storage and mechanical equipment shall be screened by walls, fences, buildings or combinations thereof to a height of six (6) feet.
 - (B) All on-site open space or setback areas shall be landscaped or architecturally enhanced.

- (C) Mechanical equipment or appurtenances on the roof shall be architecturally screened or enclosed or painted to blend with the roof surface to mitigate the view of cluttered roof surfaces.
- (11) Parking.
 - (A) All above grade parking structures shall be architecturally integrated into the structure and screened from view by landscaping, architectural detailing or buffered by residential or nonresidential use.
 - (B) Outdoor or garage lighting shall be indirect and diffused.
- (12) Off-Street Loading.
 - (A) Off-street loading facilities shall be required for all developments which exceed a gross floor area of one hundred thousand (100,000) square feet.
 - (B) All off-street loading areas shall be screened from view.
 - (C) All trash container areas shall be enclosed within and integrated into the structure and not visible from the public right-of-way.
- (13) Building Materials.
 - (A) With the exception of the first level, no more than fifty percent (50%) of each of the facades of the structure shall be vision glass or spandrel construction of material which is up to thirty percent (30%) in reflectivity. The remaining fifty percent (50%) may be masonry or stone or other appropriate material.
 - (B) Clear or lightly tinted glass for doors and display window shall be installed at the first or pedestrian level.
- (14) Roof Tops.
 - (A) Exposed roof top parking is not permitted.
 - (B) Roof surfaces shall be simplified and appurtenances shall be grouped and screened.

- (C) Flat exposed roofs at any level shall be designed as an architectural or landscape amenity to enhance the views from the proposed structure or adjacent structures. Such enhancements may include roof gardens, architectural features, special pavings and patterns or other comparable treatment.

(15) Solar Access.

- (A) No more than fifty percent (50%) of the area of a sidewalk on the opposite side of a development shall be shaded by that development for no more than one (1) hour between 11:00 a.m. and 2:00 p.m.
- (B) The location of existing and proposed development shall be considered in the siting of new structures in order to maximize views and sun penetration to the greatest extent possible.

(Amended 4-7-1998 by O-18485 N.S.; amended 7-19-1999 by O-18656 N.S.; effective 1-1-2000.)

§103.2013 Exceptions to the Provisions of the Marina Planned District Regulations

- (a) The Centre City Development Corporation may recommend and the Redevelopment Agency may approve permit exceptions from certain limits, restrictions and controls of this Division as provided in Sections 103.2012(b)(3) and 103.2012(c).
- (b) Conditions under which exceptions to this division may be considered will be based on the developer's demonstration that the implementation of a proposed exception will meet the criteria described below. Application for exceptions shall be submitted concurrently with application for a Marina Planned District Permit in accordance with Section 103.2004(d) (Marina Planned District Exception Permit Process) and shall include:
 - (1) Demonstration that the proposed exceptions implement the intent of this Marina Planned District, comply with the objectives of the Marina Urban Design Plan and Development Guidelines and are design solutions which enhance the livability of the Marina Planned District.
 - (2) The granting of exceptions to the Division does not adversely affect the development of the residential community.

- (3) The granting of an exception will have a beneficial impact on the residential community.
 - (4) The granting of an exception will not establish an adverse precedent for the consideration of future requests for exception.
 - (5) The design of the proposed development is distinctively San Diegan and architecturally superior. Such distinction will be evaluated against the objectives of the Marina Urban Design Plan and Development Guidelines and one or more of the following:
 - (A) The degree to which the architecture characterizes the historical context of San Diego as contrasted with any other location.
 - (B) Incorporation or adoption of design elements from San Diego's architectural past into the proposed development.
 - (C) Innovation or creativity of the project design.
- (c) Review Procedures

Application for exceptions to the provisions of the Marina Planned District regulations shall follow the review procedures outlined in Section 103.2004, with the following additional requirements:

Two (2) public hearings are required, the first before CCDC's Board of Directors and the subsequent hearing before the Redevelopment Agency. Notice shall be given at least ten (10) working days prior to the hearing of the time, place and purpose of the hearing in the following manner:

- (1) Submission of an application fee to cover the cost of noticing. The fee shall be published in the City Clerk's rate book.
- (2) The notice shall be prepared as required under Land Development Code Chapter 11, Article 2, Division 3 (Notice).

(Amended 4-7-1998 by O-18485 N.S.; effective 1-1-2000.)

FIGURE 1
LAND USE

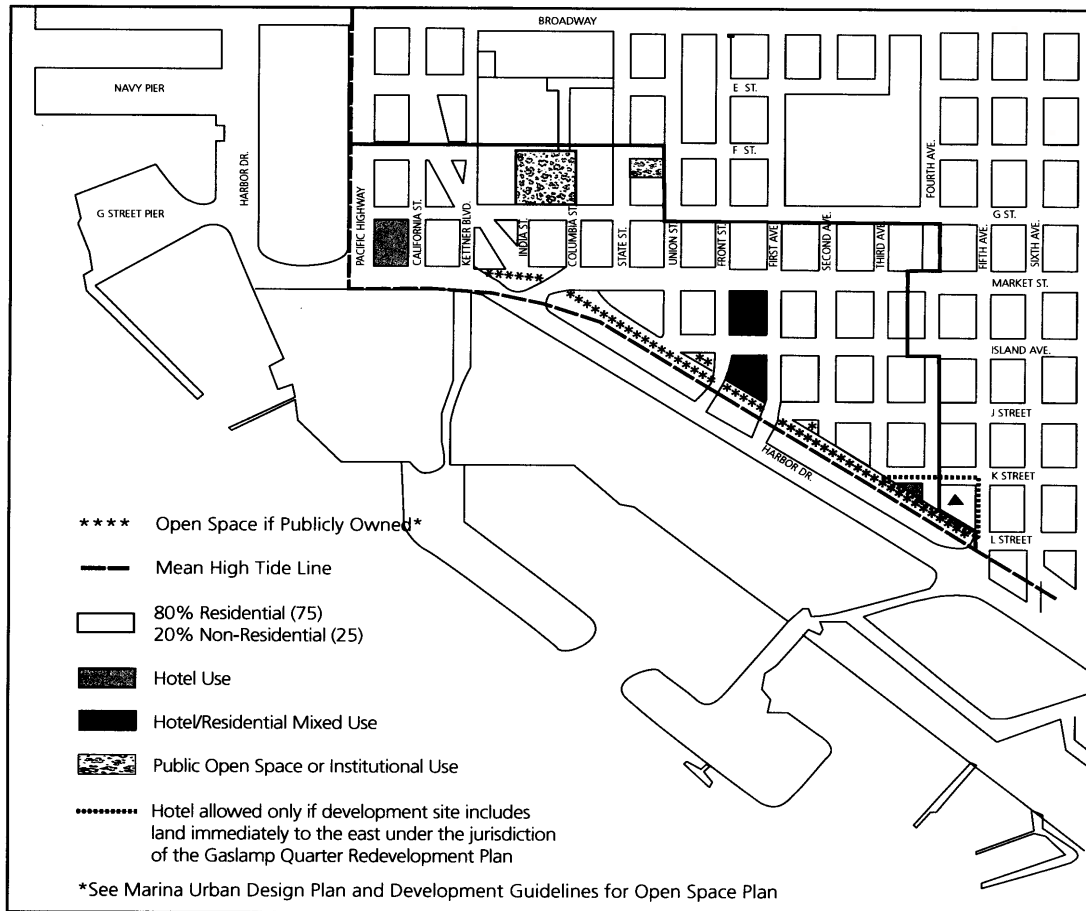
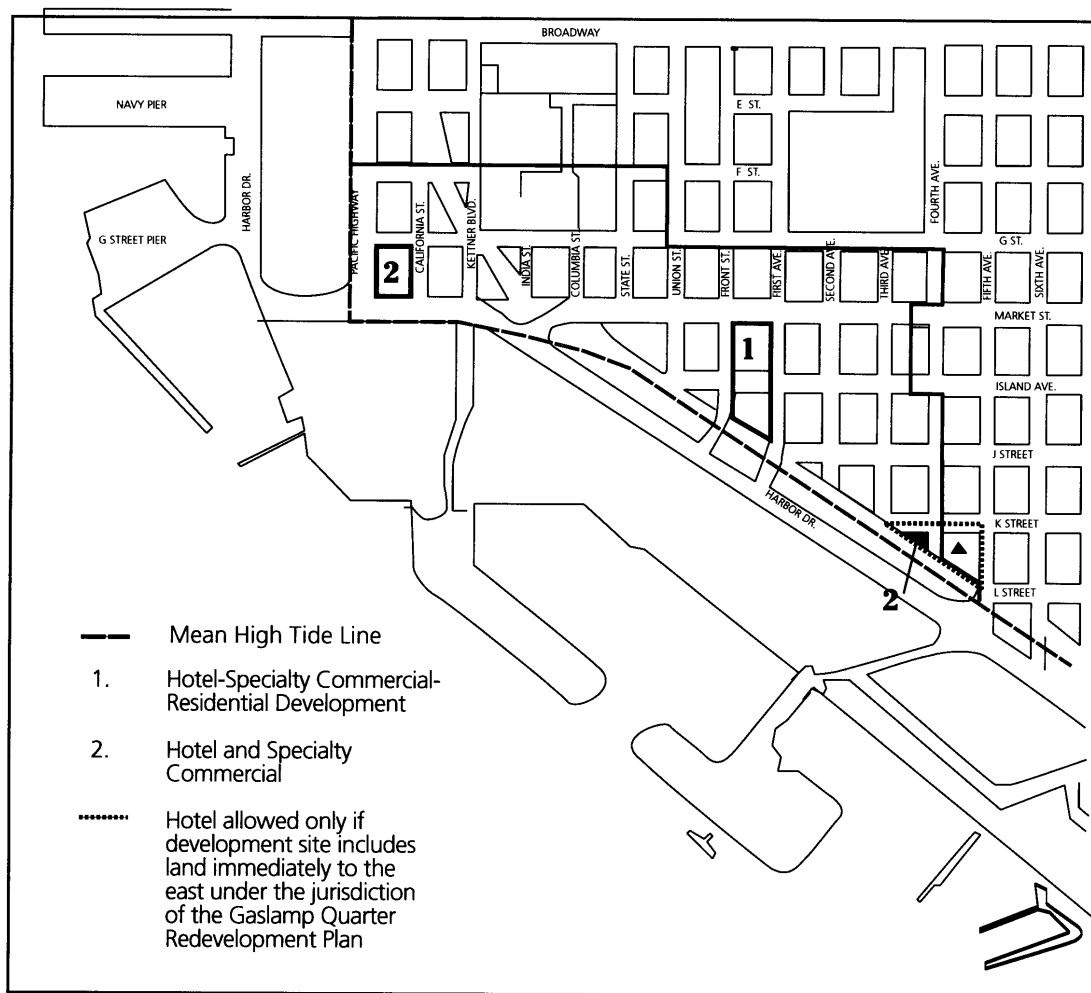
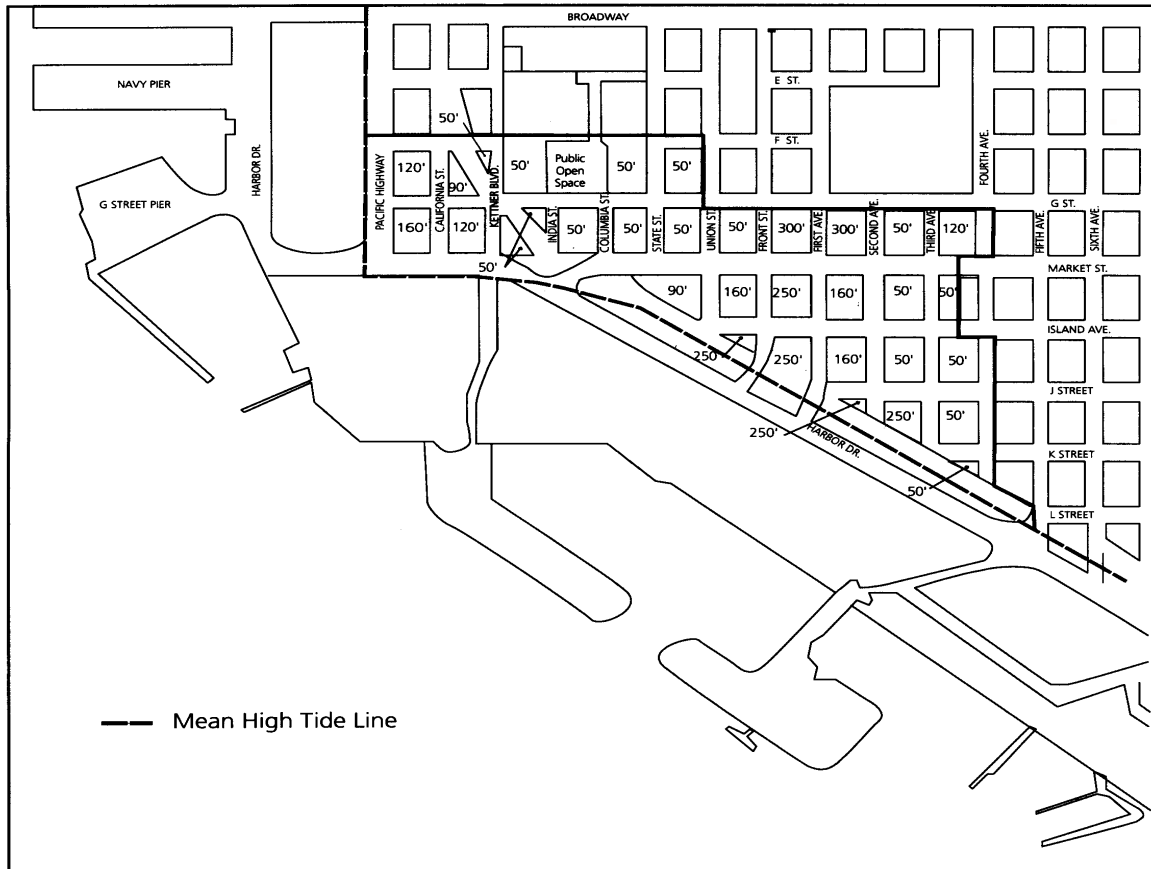


FIGURE 2
HOTEL/RESIDENTIAL SUBAREAS



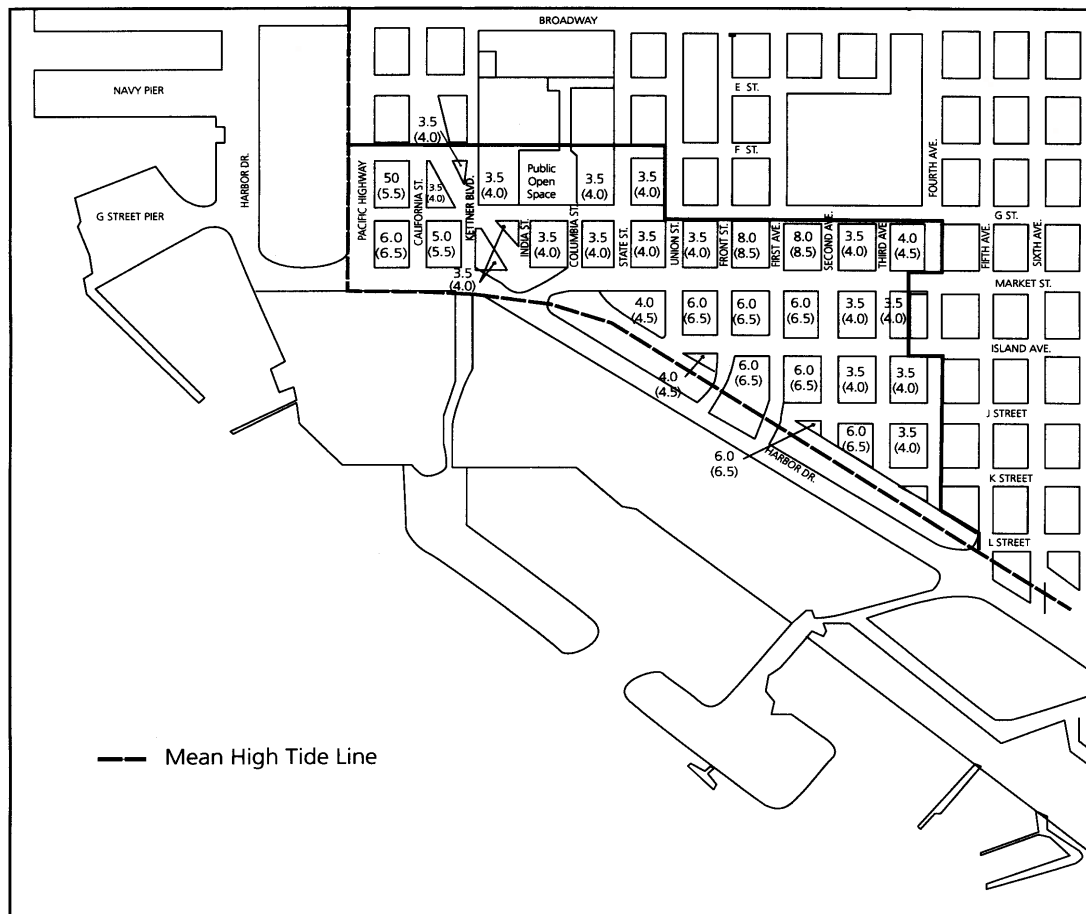
Division 20 Marina Planned District

FIGURE 3
HEIGHT LIMIT

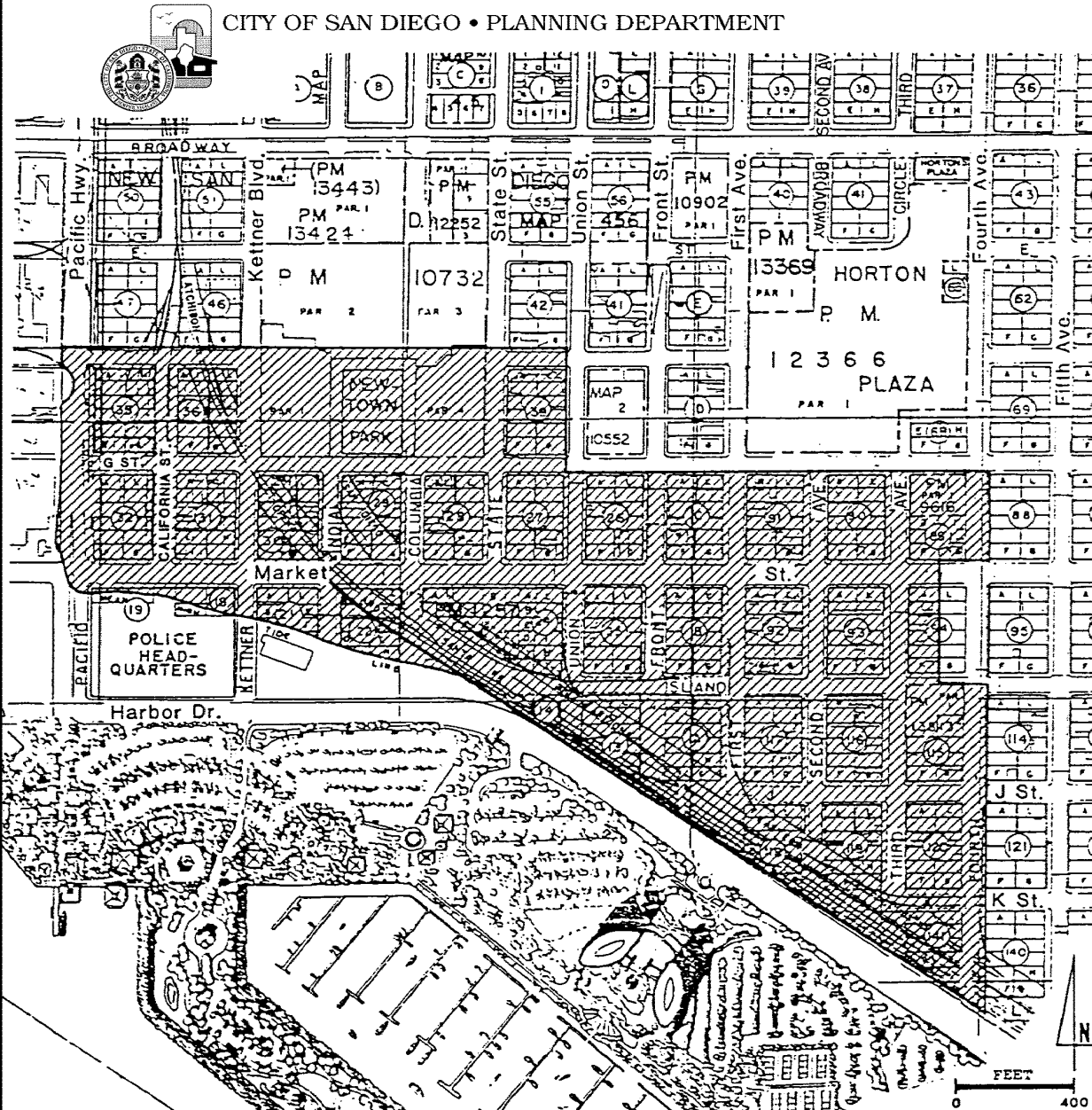


Division 20 Marina Planned District

FIGURE 4
FLOOR AREA RATIOS
(FARs)



Division 20 Marina Planned District

CITY OF SAN DIEGO • PLANNING DEPARTMENT		
		
MARINA PLANNED DISTRICT ORDINANCE		
ORDINANCE NO. _____	REQUEST	CASE NO.
EFF. DATE ORD. _____	PLAN. COMM. RECOMMENDATION	CITY PLANNING DIRECTOR
ZONING SUBJ. TO _____	CITY COUNCIL ACTION	C-741
BEFORE DATE _____		
EFF. DATE ZONING _____		